

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:14-00244

DONALD L. BLANKENSHIP

**UNITED STATES' NOTICE OF SUPPLEMENTAL AUTHORITY REGARDING
DEFENDANT'S MOTION FOR CHANGE OF VENUE**

The United States submits this notice to alert the Court to a new and significant decision on change of venue. The decision is from the United States Court of Appeals for the First Circuit. The case is *United States v. Tsarnaev*, No. 15-1170 (1st Cir. 2015)—the prosecution of Dzhokhar Tsarnaev for terrorism-related crimes in the fatal bombing at the 2013 Boston Marathon. On Friday, February 27, 2015, the First Circuit rejected Tsarnaev's latest request for a change of venue. The First Circuit's analysis in that decision echoes the United States' response on this issue.

The media coverage in Tsarnaev was more intense and negative than any coverage that Defendant alleges occurred here. Beginning shortly after the bombing, when Tsarnaev was identified as the bomber, his image was broadcast incessantly so that the public could recognize him as a bombing suspect and someone who posed an extreme danger to them and the community. While law enforcement officials conducted a manhunt for Tsarnaev, the entire Boston area was placed in a protracted lockdown. During the manhunt, Tsarnaev engaged in a firefight with law enforcement. He escaped that encounter but later was captured, bloodied from the firefight, hiding in a boat in the backyard of an area resident. Inside the boat Tsarnaev had

written a note stating that the bombing victims were collateral damage. All of this, including images of the bloody, captured Tsarnaev, was the subject of nonstop media coverage in the Boston area.

Despite this negative publicity and much more not detailed here, the First Circuit rejected Tsarnaev's bid for a change of venue, concluding that the correct course under controlling precedent is to use thorough voir dire to identify an impartial jury. The First Circuit's ruling and its reasoning will assist the Court in deciding the change of venue motion in this case. A copy of the ruling is attached to this notice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing “United States’ Notice of Supplemental Authority Regarding Defendant’s Motion for Change of Venue” has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 6th day of March, 2015 to:

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